

AMENDED

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office..... OCT 2 1970

Returned to applicant for correction..... NOV 23 1970

Corrected application filed..... JAN 19 1971..... Map filed..... JAN 19 1971

The applicant..... Ether W. Westmoreland  
of Box 826, Winnemucca....., County of.....  
State of Nevada 89445....., hereby makes application for permission to change the  
point of diversion, manner and place of use  
of water heretofore appropriated under Proof of Appropriation 01309.

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is Santa Rosa Creek AKA Thomas Creek  
(Name of stream, lake or other source.)
2. The amount of water to be changed 5.325 cfs but not to exceed 504.0 ac.ft. per  
(Second feet, acre feet.) season
3. The water to be used for irrigation  
(If for stock state number and kind of animals.)
4. The water heretofore used for irrigation, stockwatering and domestic  
(If for stock state number and kind of animals.)
5. The water is to be diverted at the following point SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 24, T. 35N., R. 37E.  
MDB&M; or a point from which the South $\frac{1}{4}$  corner of said Sec. 24  
(Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.)  
bears S. 16° 15' W. 547 ft.

6. The existing point of diversion is located within NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 25, T. 35N., R. 37E.,  
MDB&M

(If point of diversion is not changed, do not answer.)

7. Proposed place of use 160 acres in SW $\frac{1}{4}$  Sec. 24, T. 35N., R. 37E., MDB&M  
(Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)

8. Existing place of use 213 acres in portions S $\frac{1}{2}$  NE $\frac{1}{4}$  and SE $\frac{1}{4}$  Sec. 26, T. 35N.,  
(Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.)  
R. 37E., MDB&M

9. Use will be from March 1 to November 1 of each year.  
(Month) (Month)
10. Use has been from March 15 to September 15 of each year.  
(Month) (Month)

11. Description of proposed works.

Dams, headgates, ditches and land levelling

(Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)

(State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)

12. Estimated cost of works \$10,000

13. Estimated time required to construct works 5 years

As shown in the preliminary Order of Determination in the Adjudication  
14. Remarks proceedings of the Relative Rights of the water of Santa Rosa  
Creek, the existing place under Proof 01309 is 97.0 ac. harvest at 4 ac.  
ft./ac/ season and 116.0 acres diversified pasture at 1 ac. ft./ac/ season  
with a total amount of water of 5.325 cfs and 504.0 ac. ft.

Compared jn/jw jn/lj

Applicant Ether W. Westmoreland

By s/J. R. Caldwell

J. R. Caldwell, State Water Right Surv.

260 Minor St.

Winnemucca, Nevada 89445

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit to change the point of diversion, place of use and manner of use of the waters of Santa Rosa Creek heretofore appropriated under claim of vested right as evidenced by Proof of Appropriation of Water 01309 is issued with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate or weir must be installed at or near the new point of diversion to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change at any and all times. This permit is issued subject to the determination of the waters of Santa Rosa Creek that may be made under adjudication proceedings under NRS 533.090 through 533.320.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.325 cubic feet per second, but not to exceed a

seasonal duty of 504.0 acre-feet from any  
and/or all sources.

Actual construction work shall begin on or before March 20, 1972

Proof of commencement of work shall be filed before April 20, 1972

Work must be prosecuted with reasonable diligence and be completed on or before March 20, 1973

Proof of completion of work shall be filed before April 20, 1973

Application of water to beneficial use shall be made on or before March 20, 1976

Proof of the application of water to beneficial use shall be filed on or before April 20, 1976

Map in support of proof of beneficial use shall be filed on or before April 20, 1976

Commencement of work filed APR 18 1972

Completion of work filed MAY 17 1974

Proof of beneficial use filed MAY 1 1978

Cultural map filed MAY 12 1980

Certificate No. 9568

Issued 8-24-81

Recorded

Bk.

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IN TESTIMONY WHEREOF, ROLAND D. WESTERGARD

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of September

A.D. 19 71

Roland D. Westergard  
State Engineer